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NBC-TV story broke spy law, Casey claims

THE ASSOCIATED PRESS

CIA Director William J. Casey charged yesterday that an NBC-TV news report about U.S. submarine activities violated a law against disclosing information about communications intelligence.

Mr. Casey said he was referring the matter to the Justice Department. John Russell, a spokesman for the Justice Department, said he had no comment on the matter.

The NBC report said that accused spy Ronald W. Pelton may have shared information with the Soviets concerning electronic eavesdropping by U.S. submarines operating underwater in Soviet harbors.

In the report, NBC said Mr. Pelton apparently gave away one of the National Security Agency's most sensitive secrets — a project with the code name "Ivy Bells," which the network said was an underwater eavesdropping operation.

Mr. Pelton, a former employee of the National Security Agency, the Defense Department's communications intelligence spy division, is standing trial in U.S. District Court in Baltimore on charges that he spied for the Soviets.

Network Vice President Tim Russert, in a statement issued through spokeswoman Sharon Metcalf, said, "NBC has referred Casey's allegation to legal counsel to review" and would have no further comment yesterday.

Mr. Casey's statement said:

"We believe that the assertions, if true, made by James Polk on the NBC 'Today Show' this morning violate the prohibitions in 18 USC 798 against publishing any classified information concerning the communications intelligence activities of the United States. My statutory obligation to protect intelligence sources and methods requires me to refer this matter to the Department of Justice."

Mr. Casey recently threatened to prosecute several news organizations for disclosing that U.S. intelligence had intercepted Libyan communications before the bombing last month of a West Berlin disco, allegedly by Libya agents.

The "Comint law" cited by Mr. Casey was enacted in 1950 to protect U.S. codes and code-breaking capabilities. To date, it has never been used against a news organization, although several spies have been successfully prosecuted under it.

Mr. Pelton has been charged under Comint 1950, and the statute was used to win a seven-year sentence against another NSA employee, Joseph S. Peterson Jr., for giving secrets to a Dutch friend from World War II.

Perhaps the best known prosecution under Comint 1950 was the conviction of Christopher Boyce in 1977 on charges of selling thousands of secrets to the Soviet Union. Boyce, a clerk in a firm with direct links to the CIA, was sentenced to 40 years in prison.